

ALEX G. TSE (CABN 152348)  
Acting United States Attorney

SARA WINSLOW (DCBN 457643)  
Chief, Civil Division

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DEPARTMENT OF JUSTICE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

STIPULATION RE SETTLEMENT AND DISMISSAL WITH PREJUDICE OF FOIA CLAIMS  
WITH THE EXCEPTION OF ATTORNEY'S FEES; [PROPOSED] ORDER  
C-15-03701-EPJ 1

Subject to the approval of the Court, by and through their counsel of record, Plaintiff ELECTRONIC FRONTIER FOUNDATION (hereinafter, "Plaintiff"), and Defendant DEPARTMENT OF JUSTICE (hereinafter, "Defendant"), having conferred, hereby stipulate as follows:

1. After an extensive meet and confer, the parties hereby stipulate to dismiss all FOIA claims in this action, with the exception of the issue of attorney's fees.

2. The parties are endeavoring to reach agreement on the amount of attorney's fees and propose that they be provided approximately 90 days to meet and confer regarding this matter, at which time they will either file a stipulation of settlement and dismissal as to that issue or propose a briefing schedule with respect to Plaintiff's fee petition to the Court. Defendant expressly reserves all arguments regarding the reasonableness of such an award, including any arguments it may have regarding the amount of fees to which Plaintiff claims it is entitled.

3. Execution of this Stipulation shall constitute dismissal of the FOIA claims in this case with prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii).

4. The parties hereby request that the Court vacate the parties' motion for summary judgment briefing schedule and hearing date of January 15, 2018. Dkt. No. 49.

**SO STIPULATED AND AGREED.**

ALEX G. TSE  
ACTING UNITED STATES ATTORNEY

Dated: July 31, 2018

/s/ *Rebecca Falk*

REBECCA A. FALK<sup>1</sup>  
Attorneys for Defendant

## ELECTRONIC FRONTIER FOUNDATION

DATED: July 31, 2018

By: /s/ Jamie L Williams  
Jamie L. Williams  
Counsel for Plaintiff

<sup>1</sup> I, Rebecca A. Falk, hereby attest, in accordance with the Civil L.R. 5(i)(3), the concurrence in the filing of this document has been obtained from the other signatories listed here.

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2 DATED: \_\_\_\_\_

3 HONORABLE ELIZABETH D. LAPORTE  
4 United States Magistrate Judge

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STIPULATION RE SETTLEMENT AND DISMISSAL WITH PREJUDICE OF FOIA CLAIMS  
WITH THE EXCEPTION OF ATTORNEY'S FEES; [PROPOSED] ORDER

C 15-03791 EDL